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NAREN CHAGANTI 713 THE HAMPTONS LANE TOWN & COUNTRY, MO 63017			EXAMINER LANIER, BENJAMIN E	
			ART UNIT	PAPER NUMBER
			2432	
			NOTIFICATION DATE	DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/634,725	<b>Applicant(s)</b> CHAGANTI, NAREN	
	<b>Examiner</b> BENJAMIN E. LANIER	<b>Art Unit</b> 2432	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Amendment**

1. Applicant's amendment filed 30 March 2011 amends claim 25. Applicant's amendment has been fully considered and entered.

### **Response to Arguments**

2. Applicant argues, "The office action suggests that the parent application was directed toward 'information' whereas the instant application is directed toward 'content'." This argument is not persuasive because the disclosure of the '796 application does not provide adequate support for the claimed allocating a first storage area coupled to the server computer, the storage area being configured to hold one or more information objects for a plurality of users, said one or more information objects including a web page, a link to a web page, a bookmark, a document, an e-book, a piece of music, a piece of audio, a video clip, or a movie. The disclosure of the '796 application is directed towards the storage of personal information (See Table 1), while the presents claims are directed towards the storage of multimedia content belonging to individual users.

3. Applicant attempts to cite support for the claimed multimedia content in the '796 application. However, none of the provided citations provide adequate support in the manner provided by the first paragraph of 35 U.S.C. 112.

4. Applicant argues, "copyright is an attribute of works of authorship, namely, 'content.'" In response, the disclosure of the '796 application fails to provide adequate support in the manner provided by the first paragraph of 35 U.S.C. 112.

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5. Applicant argues, “Inherent disclosure is permitted under M.P.E.P. 2163.07(a)...Giving an example of a thing does not operate as a restriction of the type of things and does not introduce a non-existent distinction between ‘information’ and ‘content.’” This argument is not persuasive because to establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient (MPEP 2112). Therefore, the claimed multimedia content is not necessarily present in the personal information described in the ‘796 application.

6. Applicant argues that Meyer does not disclose “a security module capable of making the one or more copyright-protected digital items accessible to the second party in accord with one or more constraints imposed by respective license information associated with the one or more copyright-protected digital items”. This argument is not persuasive because Meyer discloses that a server that stores an online content library linked to particular user identity, where each library includes content title information ([0093]-[0095]) and that each piece of content can be linked to a license that identifies the usage rules for the content ([0030] & [0073]).

7. Applicant argues, “As to claims 36-37, the Office Action relies on Meyer at ¶ [0097] as a reference under 35 U.S.C. §102(e) for a ‘browser.’ Applicants respectfully traverse this rejection because a browser is disclosed in the parent application. See S. No. 09/478,796 at page 6, lines 21-29.” In response, any claims in a new application not supported by the specification and claims of the parent application have an effective filing date equal to the filing date of the new

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application (MPEP 706.02). Therefore, if any part of the claim is not supported, the claim is granted the effective filing date of the parent application.

8. Applicant's arguments, with respect to claims 39-41, do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

9. Applicant argues, "nothing in this paragraph discloses formatting a digital item to 'fit the screen' of a second computer." This argument is not persuasive because Meyer discloses that the content can be video or images ([0012]) that is access by a requesting user and played back through a player application ([0099]).

10. In response to applicant's argument that Atkinson and Glassman are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the references are pertinent with respect to accessing content through licenses.

11. Applicant argues, "neither Meyer nor Glass individually or in combination discloses or suggests or renders obvious the steps of storing the license information along with the copyright-protected digital item in the first user's online library; examining the license information\*\*\*to determine a number N\*\*\*." This argument is not persuasive because Meyer discloses a server that stores an online content library linked to particular user identity, where each library includes

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content title information ([0093]-[0095]). License information is stored along with the content in the online library and dictates how the content may be access ([0030] & [0057] & [0073]).

Meyer does not disclose utilizing concurrent use licenses. Glassman discloses concurrent N-user license (Col. 1, lines 55-62).

12. Applicant argues that Glassman teaches away from the proposed modification however, this argument is not persuasive because it would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include concurrent use licenses as described in Glassman in order to provide concurrent access to the content as taught by Glassman (Col. 1, lines 55-62).

### **Claim Rejections - 35 USC § 102**

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 32, 36-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyer, U.S. Publication No. 2001/0031066. Referring to claim 32, Meyer discloses a server that stores an online content library linked to particular user identity, where each library includes content title information ([0093]-[0095]), which meets the limitation of a database, a data communications device capable of establishing a connection with the Internet, an account establishment module capable of establishing an account for the first party and storing the first party's account

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information in the database, a database interface module capable of storing in said database one or more copyright-protected digital items. License information is stored along with the content in the online library and dictates how the content may be access ([0030] & [0057] & [0073]), which meets the limitation of a security module capable of making the one or more copyright-protected digital items accessible to the second party in accord with one or more constraints imposed by respective license information associated with the one or more copyright-protected digital items.

Referring to claims 36-37, Meyer discloses that the library can be access using a browser ([0097]), which meets the limitation of the copyright-protected digital item is made accessible via a browser-controlled window/HTTP protocol.

Referring to claim 38, Meyer discloses that the content can be accessed by streaming ([0014]), which meets the limitation of the copyright-protected digital item is made accessible via a streaming technique.

Referring to claims 39-41, Meyer discloses that the content can be formatted into a packaged format ([0018]), which meets the limitation of a formatter, said formatter capable of formatting the copyright-protected digital item suitable to the requirements of a client device, the formatter is capable of selecting a suitable format from a database of formats to format the copyright-protected digital item, the formatter is capable of selecting a set of stored rules to format the copyright-protected digital item.

Referring to claim 42, Meyer discloses that the content can be video or images ([0012]), which meets the limitation of the formatter formats the digital item to fit the screen of said client device.

### **Claim Rejections - 35 USC § 103**

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15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. Claims 26-27, 35, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer, U.S. Publication No. 2001/0031066, in view of Atkinson, U.S. Patent No. 6,367,012. Referring to claims 26, 35, 44, Meyer discloses a server that stores an online content library linked to particular user identity, where each library includes content title information ([0093]-[0095]), which meets the limitation of providing online library services to a plurality of users by a service provider operating a server computer connected to the Internet, said server computer configured to hold digital items for each of the plurality of users, said each of the plurality of users having an account with the server computer, receiving a digital item, storing the digital item in a first user's online library. License information is stored along with the content in the online library and dictates how the content may be access ([0030] & [0057] & [0073]), which meets the limitation of if the digital item is copyright-protected, then receiving license information. Meyer does not disclose that the license expires after a period of time. Atkinson



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discloses utilizes licenses with an expiration (Col. 9, lines 60-61), which meets the limitation of license information indicating that the license is for access of the digital item for a predetermined time, permitting access the digital item in accordance with the time constraint imposed by the license information, and disabling access to the digital item upon expiration of the predetermined time, restrict the amount of time a user may access the digital item. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include expirations in order to limit the periods that the content can be access and therefore susceptible to unauthorized access as suggested by Atkinson (Col. 9, lines 60-65).

Referring to claim 27, Meyer discloses that user requests for playback of content of checked to ensure that the user has the requested content in their library and that the user has the appropriate rights in the license ([0099]), which meets the limitation of receiving a request from n requesters to access a copyright-protected digital item having N (where  $N \geq 1$ ) licenses, allowing each of the n (where  $n \leq N$ ) requesters to access the digital item. Erickson does not disclose that the license expires after a period of time. Atkinson discloses utilizes licenses with an expiration (Col. 9, lines 60-61), which meets the limitation of access to the digital item for a predetermined period of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include expirations in order to limit the periods that the content can be access and therefore susceptible to unauthorized access as suggested by Atkinson (Col. 9, lines 60-65).

18. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer, U.S. Publication No. 2001/0031066, in view of Atkinson, U.S. Patent No. 6,367,012, and further in view of Glassman, U.S. Patent No. 6,453,305. Referring to claim 28, Meyer does not disclose

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utilizing concurrent use licenses. Glassman discloses concurrent N-user license (Col. 1, lines 55-62). If no licenses are available, the requestor is provided with a time that a license should become available (Col. 6, lines 12-19), which meets the limitation of establishing a waiting list for each of the remaining ( $n > N$ ) requestors, and when one of the N licenses becomes available, permitting one of the requesters on the waiting list to access the digital item. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include concurrent use licenses as described in Glassman in order to provide concurrent access to the content as taught by Glassman (Col. 1, lines 55-62).

19. Claims 24-25, 29-31, 33-34, 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer, U.S. Publication No. 2001/0031066, in view of Glassman, U.S. Patent No. 6,453,305. Referring to claim 24, Meyer discloses a server that stores an online content library linked to particular user identity, where each library includes content title information ([0093]-[0095]). A user transmits content having an identifier to the server, externally accessible via the Internet, that maintains content libraries for individual users identified by usernames and passwords ([0093]-[0094]), which meets the limitation of providing online library services to a plurality of users by a service provider operating a server computer connected to the Internet, said server computer configured to hold digital items for each of the plurality of users, said each of the plurality of users having an account with the server computer, allocating storage to store a first user's information as the user's online library, assigning an address for the first user's online library, receiving the first user's account information, receiving a digital item, storing the digital item in the first user's online library. License information is stored along with the content in the online library and dictates how the content may be access ([0030] & [0057] & [0073]), which

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meets the limitation of if the digital item is copyright-protected, then receiving license information for the digital item, storing the license information along with the copyright-protected digital item in the first user's online library. Meyer does not disclose utilizing concurrent use licenses. Glassman discloses concurrent N-user license (Col. 1, lines 55-62), which meets the limitation of examining the license information for the copyright-protected digital item to determine a number N, (where  $N \geq 1$ ) of simultaneous users who could access the copyright-protected digital item, allowing no more than N simultaneous users to access the copyright-protected digital item. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include concurrent use licenses as described in Glassman in order to provide concurrent access to the content as taught by Glassman (Col. 1, lines 55-62).

Referring to claim 25, Meyer discloses that the content can be audio, video, and images ([0012]), which meets the limitation of the digital item is an image, a piece of music, a piece of audio, a video clip, or a movie.

Referring to claim 29, Meyer discloses that the content can be accessed by streaming ([0014]), which meets the limitation of streaming content of the digital item to said one or more of N users.

Referring to claim 30, Meyer discloses that the content can be formatted into a packaged format ([0018]), which meets the limitation of suitably formatting the digital item for access by said one or more of N users.

Referring to claim 31, Meyer discloses that the registration process indicates the format required for the particular end-user device ([0018]-[0021]; where the content would have to

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formatted distinctly for am/fm broadcasting, digital broadcasting, or broadcasting over wireless carriers).

Referring to claims 33-34, Meyer does not disclose utilizing concurrent use licenses. Glassman discloses concurrent N-user license (Col. 1, lines 55-62), which meets the limitation of the one or more constraints imposed by the license information restricts the number N (where  $N \geq 1$ ) of times the copyright-protected digital item may be accessed simultaneously, a locking mechanism configured to prevent access to the copyright-protected digital item more than N time simultaneously. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include concurrent use licenses as described in Glassman in order to provide concurrent access to the content as taught by Glassman (Col. 1, lines 55-62).

Referring to claim 43, Meyer discloses a server that stores an online content library linked to particular user identity, where each library includes content title information ([0093]-[0095]), which meets the limitation of providing online library services to a first user by a service provider operating a server computer connected to the Internet, said server computer configured to hold digital items of a plurality of users, said plurality of users having accounts with the server computer, receiving an identification of a digital item to be included in the first user's online library, including the identified digital item in the first user's online library. Meyer does not disclose utilizing concurrent use licenses. Glassman discloses concurrent N-user license (Col. 1, lines 55-62), which meets the limitation of if the identified digital item is copyright-protected, then determining a number N, (where  $N \geq 1$ ) of times that the copyright-protected digital item may be simultaneously accessed, and allowing the copyright-protected digital item to

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be simultaneously accessed no more than N times. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the licenses of Meyer to include concurrent use licenses as described in Glassman in order to provide concurrent access to the content as taught by Glassman (Col. 1, lines 55-62).

### **Conclusion**

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN E. LANIER whose telephone number is (571)272-3805. The examiner can normally be reached on M-Th 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benjamin E Lanier/  
Primary Examiner, Art Unit 2432